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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8074/2007**

NAVAL KISHORE Petitioner
Through Mr. V.K. Kalra, Adv.

versus

D.D.A. Respondent
Through Ms. Sangeeta Chandra, Adv. for DDA.
Mr. I.S.Chauhan, Adv. for UCO Bank.
Mr. S.P. Kalsi, Manager, UCO Bank.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% **20.10.2009**

Mr. S.P. Kalsi, Manager-UCO Bank, Lawrence Road, New Delhi, is present in Court and has been shown the original Rohini registration receipt No.02115 dated 30th March, 1981. He states that the receipt is genuine as per enquiries made by him and it is signed by Mr. P.L. Gupta, the then Sr. Manager.

2. The respondent DDA has not filed affidavit in terms of the order dated 3rd April, 2008, till today. By the said order, the said respondent was asked to inform this Court about the internal arrangement/agreement between the DDA and the banks, who were issued blank receipts for being issued to the registrants. DDA was also asked to state whether blank receipt from No.2115 was received back from UCO Bank, Lawrence Road,

New Delhi and if the same was not received, what steps were taken by the DDA, thereafter.

3. In view of the statement made by Mr. S.P. Kalsi, Manager-UCO Bank, Lawrence Road, and after examining the original receipt produced before me, I accept the claim of the petitioner. It is an unfortunate case, where the petitioner is claiming right to allotment on the basis of the registration made way back in the year, 1981. It is admitted that the scheme is still being implemented and allotments are still to be made even after a delay of 28 years. The lapse is on the part of the respondent DDA. In case, DDA had made allotments within reasonable time, this problem would not have arisen. On account of delay, it is not possible to call for further documents from UCO Bank as they have destroyed and weeded out their records.

4. DDA has also not been able to file affidavit in terms of order dated 3rd April, 2008, till today. It is obvious that DDA does not have the relevant records to show the internal arrangement/agreement between the DDA and the banks, who had issued receipts to the registrants. DDA has also not produced before this Court, blank receipt form No.2115 and any correspondence exchanged between them and the bank, for failure to return blank receipt no. 2115. In case, the said blank receipt was not received by DDA, the assumption is that the said receipt was duly issued to

a registrant i.e. the petitioner. UCO Bank was acting as an agent of the DDA and it was the responsibility of the DDA to ensure that the blank or unused receipts forms were returned to them to prevent misuse.

5. Counsel for the respondent DDA submitted that there is delay and laches on the part of the petitioner and, therefore, he is not entitled to any relief on the basis of the original receipt produced by the petitioner. This argument has to be rejected. The lapse and default is on the part of the DDA, who have failed to make allotment on the basis of 1981 scheme, till today. Obviously the petitioner along with the other registrants has been hoping and waiting for allotment. The petitioner could not have presumed that as per records of DDA, he is not registered for allotment in spite of receipt No. 2115. The petitioner, in fact approached DDA by writing letter dated 21st May, 1994, by which he had informed about his change of address. The said letter was received vide diary no.014922, but the respondent, DDA did not respond to the said letter. In case, the petitioner was not registered with the DDA, they should have immediately responded and possibly the petitioner would have been able to collect evidence and material in support of his claim for allotment.

5. In view of the original receipt produced before this Court, and the statement made by Mr. S.P. Kalsi, Manager-UCO Bank, failure of DDA to

produce blank receipt No.02115 and the correspondence exchanged between them and UCO Bank, and in case the blank receipt form No. 2115 was not received, the writ petition is allowed and mandamus is issued to the respondent DDA to treat the registration of the petitioner as valid. The petitioner's name will be included in the draw of lots. The petitioner is entitled to cost of Rs.5,000/-, which will be paid by the respondent DDA within four weeks from the date copy of this order is received.

SANJIV KHANNA, J.

OCTOBER 20, 2009

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